

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

**TED CHANDLER AND MARTHA CHANDLER**

**PLAINTIFFS**

**vs**

**NO: 3:12-CV-00104-BRW**

**JACOBS ENGINEERING GROUP, INC.,  
PAUL DAVID PENN, MARK ASHER,  
CHARLES P. BRAND, ROBERT WILCOX, JR.  
L. TONY SULLIVAN AND APAC-TENNESSEE**

**DEFENDANTS**

**PLAINTIFFS' DAUBERT MOTION TO EXCLUDE  
THE TESTIMONY OF SCOTT L. TURNER**

For their *Daubert* motion to exclude the testimony of Scott L. Turner, Plaintiffs state:

1. Plaintiffs anticipate that defense will present testimony by Scott L. Turner.
2. As discussed in the memorandum of law in support of this motion, filed contemporaneously herewith, the opinion does not meet the standards of admissibility defined by Federal Rule of Evidence 702 and *Daubert* and should be excluded.
3. Plaintiffs rely upon and incorporate the following:

FULL REPORT AND C.V. OF SCOTT L. TURNER (Attached hereto as Exhibit "A")

FULL REBUTTAL REPORT OF SCOTT L. TURNER (Attached hereto as Exhibit "B")

DEPOSITION OF SCOTT L. TURNER, TAKEN IN THE CASE OF *Richard E. Curly and Sandra Curley vs. United Parcel Service*, United States District Court , District of Massachusetts, Case No. 10-12266-DPW (Attached hereto as Exhibit "C")

REPORT AND C.V. FROM ERNIE PETERS, PLAINTIFFS' EXPERT (Attached hereto as Exhibit "D")

MEMORANDUM OF LAW IN SUPPORT filed contemporaneously with this motion

WHEREFORE PREMISES CONSIDERED, Plaintiffs respectfully request that the opinions of Scott L. Turner be excluded, for its fees and costs, and for all other relief to which it is entitled.

RESPECTFULLY SUBMITTED, this the 11th day of April, 2014

s/Vicki L. Gilliam

Vicki L. Gilliam

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Attorneys for Ted and Martha Chandler

**CERTIFICATE OF SERVICE**

I, Vicki L. Gilliam, hereby certify that on the 11th day of April, 2014, a copy of the foregoing instrument was filed using the ECF electronic filing system which emailed copies to the parties listed below:

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s/Vicki L. Gilliam  
Vicki L. Gilliam